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House panel condemns CIA mining

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WASHINGTON — The House Foreign Affairs Committee overwhelmingly condemned the CIA-directed mining of Nicaraguan harbors yesterday after Undersecretary of State Kenneth Dam defended the mining before the panel as a lawful act of "collective self-defense." Dam also implied that the United States did not not intend to remove the explosives.

The day after the Senate had condemned the operation on an 84-12 vote, Dam told a generally hostile House Foreign Affairs Committee that the U.N. charter authorizes the action because Nicaragua's Sandinista government was endangering the security of U.S. allies in the region.

The committee then adopted a non-binding resolution against spending U.S. funds for the mining on a 23-1 vote. Rep. Dante B. Fascell (D., Fla.), chairman of the House committee, said he would try to take the measure to the House floor today. The dissenting vote was cast by Rep. Gerald B. Solomon (R., N.Y.).

Dam did not say directly that the CIA would not remove the mines, but he repeatedly said the action was justified and valid under international law and that the United States would continue pressuring Nicaragua until it changed its policies.

"I interpreted his remarks as a sign that the administration will not take out those mines," a committee aide said.

A senior State Department official said yesterday the initial phase of the mining had been completed before the Senate overwhelmingly condemned the action Tuesday night in the nonbinding resolution demanding that no federal funds be spent on the mining.

The official, who asked not to be identified, told the Associated Press that the CIA-directed mining of Nicaraguan harbors might not be resumed because of the mounting outcry against it.

The official said the current phase of the mining was completed a few days ago, and denied there was any "cause-and-effect" connection with the burgeoning controversy over President Reagan's Central American policies.

Nonetheless, this official acknowledged that the CIA might be reluctant to resume the mining after the Senate's adoption of the anti-mining resolution sponsored by Sen. Edward M. Kennedy (D., Mass.) and backed by Senate Majority Leader Howard H. Baker Jr. (R., Tenn.) and GOP Whip Ted Stevens of Alaska.

Dam yesterday said the mining and other CIA-financed activities against Nicaragua were part of a U.S. policy to pressure the Sandinistas into withdrawing support for Salvadoran guerrillas, severing their military alliances with Cuba and the Soviet Union and restoring democracy.

But committee members, including several Republicans, expressed anger, consternation and frustration about the mines and urged the administration to remove them if only to save the rest of the covert operation that finances anti-Sandinista counterrevolutionaries.

But two influential Republican committee members — Rep. William Broomfield of Michigan, the ranking minority member, and Rep. Olympia Snowe of Maine — said they felt the entire CIA covert operation was doomed because of the Senate vote Tuesday night and the press disclosures about the mining.

Meanwhile, House Speaker Thomas P. O'Neill Jr. (D., Mass.) reaffirmed his opposition to the CIA operation and predicted that the administration would be forced to shut it down because Congress will refuse money for it.

"The current CIA money for the operation will run out at the end of May," O'Neill told reporters. "I don't know exactly when it'll be shut down, but they're not going to get any more money from us."

The Senate, before the mining controversy, approved \$21 million last week in additional money for the insurgents, along with \$61.7-million in emergency military aid for El Salvador.

In his committee appearance, Dam said that under Article 51 of the United Nations charter, the United States is legally authorized to place the mines.

That article says that nothing in the charter "shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a member of the United Nations ..."

Rep. Michael Barnes (D., Md.) asked Dam whether the United States viewed the mine-laying as "an act of self-defense" against the Sandinistas.

"Yes, collective self-defense," Dam said as the audience groaned.

Fascell, saying he had "a problem" with the policy because it was no longer covert, wondered "how we can maintain the fiction" that the Reagan administration had properly briefed Congress. The chairman of the Senate Intelligence Committee, Sen. Barry Goldwater (R., Ariz.) had charged that he was not adequately informed.

In responding to Fascell's questions, Dam said that although the United States had decided not to accept World Court jurisdiction for two years over Central American disputes, it intended to appear in the court at the Hague, Netherlands, if Nicaragua pressed its case against the United States over the mines.

Later in the hearing, Rep. Broomfield — usually a staunch supporter of Reagan administration policies in Central America — said that in light of the Senate vote, "I can't help but believe that the covert aid is down the drain. I believe that there's no hope that the administration is going to get any ... covert aid, period, for the *contras*. I think that's done."

He also told Dam that he was concerned that even the administration's program for El Salvador could be jeopardized by the political scandal.

Dam replied that if aid to El Salvador was not approved, "it would be just a question of time before democracy in El Salvador goes down the drain."

When Dam told Rep. Gerry Studds (D., Mass.) that the mining involved "lawful force," Studds accused the administration of being in "contempt of the nation it purports to lead, in contempt of its history ... in contempt of the values, of the laws of the Congress and the people of this country."

He added: "You have squandered the moral capital of the United States. ... What is the difference between the United States and the Soviet Union? I suggest the response is hopelessly and inexcusably muddled by the insistence of this administration on behaving precisely as the Soviet Union behaves."